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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,166	09/26/2003	Jerome D. Brown	10387US01	8106

7590 08/26/2005

Imation Corp.
PO Box 64898
St. Paul, MN 55164-0898

EXAMINER

NGUYEN, JOHN QUOC

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,166

Applicant(s)

BROWN ET AL.

Examiner

John Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 12, 18, "being not contiguous" is deemed an inaccurate description since the web and the all portions of the arm are contiguous with each other and the "ends" are deemed to include respective portions of the arm beginning a short distance from the centerline. It is suggested that applicant uses "end surfaces" instead of "ends" in the last line of claim 1 (similarly in claims 12 and 18).

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 5-9, 12-16, 19, 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Zwettler et al (US 6474582).

Zwettler et al discloses a tape cartridge having substantially all the claimed features including a core 62, annular arm 61, and web extending from the core at location 66 to the arm. The center of the web connects to the arm within 10% of the height of the arm 61 in the top half. Since the cartridge appears to be the same type as being claimed, i.e. for 0.5-inch tape, 10% of 0.5 inch is 0.05 inch. Since the claimed structures are met, the functions of claims 2, 9, 13, 16 are deemed inherent therein.

Claims 3, 4, 18 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Zwettler et al (US 6474582).

Since the claimed structures are met, the variations of claims 3, 4 are deemed inherent therein or, alternatively, the claimed variations would have been within the level of one of ordinary skill in the art and would have been determined through routine engineering experimentation and optimization based on design criteria. The stress of claim 18 is deemed inherent since the cartridge of Zwettler et al appears to be the same type as the one of the invention or, alternatively, the stress would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as preference and design/operational criteria.

Claims 10, 11, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zwettler et al (US 6474582) in view of Hiraguchi et al (US 6736345). Hiraguchi et al has been advanced above and shows the lower flange integral with the arm. It should be noted that Zwettler et al also suggests various materials for the flanges including thermoplastics (col 5, lines 30-31). It would have been obvious to a person having ordinary skill in the art to make the flanges out of thermoplastics and form the lower flange as part of the arm as taught by Hiraguchi et al to reduce the number of parts and therefore manufacturing costs. Laser welding is old and well known in the art and Official Notice is hereby taken of such; therefore, to use laser welding would have been obvious to a person having ordinary skill in the art to weld the flange to the arm.

Applicant's arguments and declaration filed 7/8/05 have been fully considered but they are not persuasive.

MPEP 2132.01 requires that applicant establishes that the claimed invention is his own work. In the Declaration, applicant only stated that he "collaborated in conceiving aspects of the hub design" which suggest the involvement and contribution of others.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

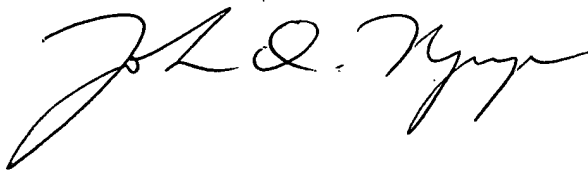
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and

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Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. Q. Nguyen', with a stylized, flowing script.

John Q. Nguyen
Primary Examiner
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